

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |  |   |
|---|--|---|
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>   |  | ATTORNEY'S DOCKET NUMBER<br>2400.0180000/SRL/BLS              |
| INTERNATIONAL APPLICATION NO.<br>PCT/EP2004/008040  |  | U.S. APPLICATION NO. (If known, see 37 CFR 1.5)<br>10/565,883 |
| INTERNATIONAL FILING DATE<br>19 July 2004 (19.07.2004)  |  | PRIORITY DATE CLAIMED<br>30 July 2003 (30.07.2003)            |
| TITLE OF INVENTION<br>Fungicide Ternary Active Ingredient Combinations  |  |   |
| APPLICANT(S) FOR DO/EO/US<br>Peter DAHMEN, Astrid MAULER-MACHNIK, Anne SUTY-HEINZE and Friedrich KERZ-MÖHLENDICK  |  |   |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:   |  |   |
| 1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.<br>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.<br>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.<br>4. <input type="checkbox"/> The US has been elected (Article 31).<br>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<br>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).<br>b. <input type="checkbox"/> has been communicated by the International Bureau.<br>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).<br>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).<br>a. <input type="checkbox"/> is attached hereto.<br>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).<br>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<br>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).<br>b. <input type="checkbox"/> have been communicated by the International Bureau.<br>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.<br>d. <input type="checkbox"/> have not been made and will not be made.<br>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).<br>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).<br>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). |  |   |
| <b>Items 11 to 20 below concern document(s) or information included:</b>  |  |   |
| 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.<br>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.<br>13. <input checked="" type="checkbox"/> A preliminary amendment.<br>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.<br>15. <input type="checkbox"/> A substitute specification.<br>16. <input type="checkbox"/> A power of attorney and/or change of address letter.<br>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.<br>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).<br>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).  |  |   |

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |              |   |           |   |                     |
|--|--------------|---|-----------|---|---------------------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br><b>10/565,883</b>   |              | INTERNATIONAL APPLICATION NO.<br><b>PCT/EP2004/008040</b>                     |           | ATTORNEY'S DOCKET NUMBER<br><b>2400.0180000/SRL/BLS</b> |                     |
| 20. Other items or information:<br>a. Credit Card Payment Form PTO-2038 for \$130.00 to cover the surcharge for late submission of Declaration; b. Copy of Notification of Missing Requirements; c. Request to Begin National Examination Procedures; and d. Return postcard.  |              |   |           |   |                     |
| The following fees have been submitted   |              |   |           | <b>CALCULATIONS</b>                                     | <b>PTO USE ONLY</b> |
| 21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... <b>\$300</b>  |              |   |           | \$ already paid   |                     |
| 22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))   |              |   |           | \$  |                     |
| If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... <b>\$0</b>   |              |   |           | already paid  |                     |
| All other situations..... <b>\$200</b>   |              |   |           |   |                     |
| 23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))  |              |   |           | \$  |                     |
| If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... <b>\$0</b>  |              |   |           |   |                     |
| Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... <b>\$100</b>  |              |   |           |   |                     |
| International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... <b>\$400</b>   |              |   |           | already paid  |                     |
| All other situations..... <b>\$500</b>   |              |   |           |   |                     |
| <b>TOTAL OF 21, 22 and 23 =</b>  |              |   |           | -0-   |                     |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)).<br>The fee is <b>\$250</b> for each additional 50 sheets of paper or fraction thereof. |              |   |           |   |                     |
| Total Sheets   | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE      |   |                     |
| - 100 =  | /50 =        |   | x \$250   | \$ -0-  |                     |
| Surcharge of <b>\$130.00</b> for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).   |              |   |           | \$ 130.00   |                     |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA  | RATE      |   |                     |
| Total claims   | 6 - 20 =     | 0   | x \$ 50   | \$ -0-  |                     |
| Independent claims   | 2 - 3 =      | 0   | x \$200   | \$ -0-  |                     |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)  |              |   | 0 + \$360 | \$ -0-  |                     |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |              |   |           | \$ 130.00   |                     |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.   |              |   |           | -0-   |                     |
| <b>SUBTOTAL =</b>  |              |   |           | \$ 130.00   |                     |
| Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).   |              |   |           | \$ -0-  |                     |
| <b>TOTAL NATIONAL FEE =</b>  |              |   |           | \$ 130.00   |                     |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property  |              |   |           | \$ -0-  |                     |
| <b>TOTAL FEES ENCLOSED =</b>   |              |   |           | \$ 130.00   |                     |
|  |              |   |           | Amount to be refunded:                                  | \$                  |
|  |              |   |           | Amount to be charged                                    | \$                  |

05/26/2006 LLANDGRA 00000071 10565883

01 FC:1817 130.00 OP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0036. A duplicate copy of this sheet is enclosed.
- d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

CUSTOMER NUMBER 26111

  
SIGNATURE

Bryan L. Skelton

NAME

50,893

REGISTRATION NUMBER



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/565,883                  | Peter Dahmen          | 2400018000SRL    |

|                               |
|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
| PCT/EP04/08040                |

|                  |               |
|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
| 07/19/2004       | 07/30/2003    |

26111  
STERNE, KESSLER, GOLDSTEIN & FOX PLLC  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

CONFIRMATION NO. 8057

371 FORMALITIES LETTER



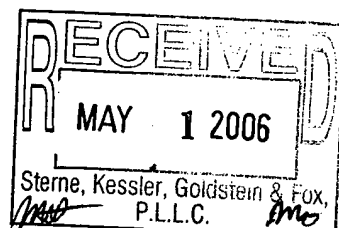
\*OC000000018626116\*

Date Mailed: 04/27/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/25/2006
- English Translation of the IA filed on 01/25/2006
- Copy of the International Search Report filed on 01/25/2006
- Copy of references cited in ISR filed on 01/25/2006
- U.S. Basic National Fees filed on 01/25/2006
- Priority Documents filed on 01/25/2006



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

DOCKETED

Declaration, Late oath / Decl surcharge due June 27, 2006

STAT BAR due November 27, 2006

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/565,883                  | PCT/EP04/08040                | 2400018000SRL    |

FORM PCT/DO/EO/905 (371 Formalities Notice)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Dahmen *et al.*

Appl. No.: 10/565,883 (U.S. National  
Phase of PCT/EP2004/008040)

Int'l Filing Date: July 19, 2004

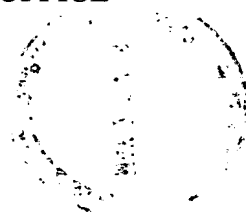
For: **Fungicide Ternary Active  
Ingredient Combinations**

Confirmation No.: 8057

Art Unit: (to be assigned)

Examiner: (to be assigned)

Atty. Docket: 2400.0180000/SRL/BLS



**Request to Begin National Examination Procedures**

*Mail Stop Missing Parts*

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby expressly request that national examination procedures commence in the United States for International Patent Application No. PCT/EP2004/008040. A copy of the International Application as filed was communicated by the International Bureau. An English-language translation of the International Application was filed at the United States Patent and Trademark Office on January 25, 2006. A Declaration executed by the inventors is filed concurrently herewith. The basic national fee, examination fee and search fee have been paid. Thus, the request to begin national examination procedures is proper.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Bryan L. Skelton  
Agent for Applicants  
Registration No. 50,893

Date: May 24, 2006

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600